

Exhibit A

1
2 IN THE UNITED STATE DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF ILLINOIS
4 EASTERN DIVISION

5 JOSEPH D.G. SIMPSON, et al.,
6 on behalf of themselves
7 and all others similarly
8 situated,

9 Plaintiffs,

10 v.

Case No. 18-cv-0553

11 SHERIFF TOM DART, in his
12 official capacity, et al.,

Judge Sharon J. Coleman

Mag. J. Sidney I. Schenkier

13 Defendants.

14 and

15 LOUIS MONAE, on behalf of
16 himself and all others
17 similarly situated,

18 Plaintiffs,

Case No. 18-cv-424

19 v.

Judge Sharon J. Coleman

20 SHERIFF TOM DART, in his
21 official capacity, et al.,

Mag. J. Sidney I. Schenkier

22 Defendants.

23 -----
24 DEPOSITION OF 30(b)(6) WITNESS

25 ROSEMARIE M. NOLAN

Chicago, Illinois

Thursday, November 8, 2018

Reported by:

JANICE M. KOCEK, CSR, CLR

JOB NO. 150013

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November 8, 2018

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10:41 a.m.

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The deposition of 30(b)(6) witness

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ROSEMARIE M. NOLAN, held at the offices of

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Willenson Law, LLC, 542 South Dearborn Street,

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Suite 610, Chicago, Illinois, before Janice M.

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Kocek, a Certified Shorthand Reporter,

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Certified LiveNote Reporter and Notary Public

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of the State of Illinois.

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1 R. NOLAN

2 one.

3 Q. And then you said whether you're a
4 felony, so that gets us to six?

5 A. Is that six? Then it may be six.

6 Q. Okay. All right.

7 If a seventh one comes to you --

8 A. Yeah, if it comes so me you, but I
9 think -- you know, I've gone through in my
10 head. I mean, I think it is six.

11 Q. Okay. Well, if at any time during
12 the course of today that you remember something
13 that we asked earlier that you want to
14 supplement your testimony, feel free to let us
15 know.

16 A. Okay.

17 Q. So if there is a seventh and you
18 remember, just let us know.

19 A. Did I say driver's license?

20 Q. Yes.

21 A. Okay.

22 Q. So you mentioned applicant testing
23 phases. Just so we have it clear on the
24 record, can you just describe what you mean by
25 that?

1 R. NOLAN

2 A. Yes, so we -- the Merit Board
3 administers two entry level written
4 examinations. They are -- we have a contract
5 with the IO Solutions, Industrial
6 Organizational Solutions, and they provide the
7 testing materials. And we administer written
8 examinations to the applicants.

9 The first -- there's a first test,
10 the first written examination that's conducted.
11 It's the National -- it's a National Criminal
12 Justice Officer Selection Inventory. And we
13 provide -- or we test the applicants and then
14 we provide the test booklets and the answer
15 keys to the IO Solutions testing company so
16 they can score the examinations.

17 Q. So I want to make sure I have this
18 -- I understand this correctly. So there's two
19 tests. One is the National Criminal Justice
20 Inventory Test and there's a second test that
21 IO Solutions administers?

22 A. IO Solutions provides both tests to
23 the Merit Board. And we administer them to the
24 applicants.

25 Q. Okay.

1 R. NOLAN

2 doesn't talk about the -- yeah, it's
3 talking about identification and location,
4 not going into the details of the
5 decision-making that was put into that or
6 the things that were changed.

7 BY MR. MEHRI:

8 Q. Okay. Well, setting aside
9 decision-making, can you describe what the
10 models were before 2014 and the models after
11 2014?

12 A. Well, I can't -- I can't discuss the
13 models. I mean, you would need to hear from
14 IO Solutions I think to give you an educated,
15 you know, explanation of what those models are.

16 Q. Did they ever discuss with you what
17 a validation study is?

18 A. No. I mean, not specifically, no.

19 Q. Do you know what that term means?

20 A. To validate a test?

21 Q. To validate a test, right.

22 A. Yes.

23 Q. Can you describe that?

24 A. Well, they're -- there's a lot of
25 methodologies to validating. I mean, you know,

1 R. NOLAN

2 I can talk about for the promotional
3 examinations there are -- job analysis is done
4 to validate the tests that -- you know, that's
5 being utilized to ensure that it's appropriate
6 for the promotional candidates.

7 Q. Well, for the -- let's keep it to
8 the -- right now the inventory test. Is there
9 a validation study that was done for that test
10 that you --

11 A. That would be something -- that
12 would definitely be something you would talk to
13 IO Solutions about how they validate to
14 recommend the National Criminal Justice
15 Examination for -- for the sheriff's Merit
16 Board.

17 Q. Are you aware of any validation
18 study for that, the inventory, the 200
19 questions?

20 A. No. Again, I think that's -- again,
21 that's something that they would need to
22 address.

23 Q. Okay. The -- can you describe a
24 little bit what you meant by the situational --
25 the second test, situational test, like what's

1 R. NOLAN

2 the form of that test?

3 A. That -- now, if you -- if you pass
4 the first examination, the National Criminal
5 Justice Examination, then you would proceed on
6 to the SBSA examination. That is a situational
7 judgment-type test where the applicant is
8 giving -- given scenarios. And mainly they're
9 law enforcement scenarios.

10 And the applicant is asked to --
11 there's typically four answers. And they're
12 asked to provide the best answer and then rate
13 the other three answers to what they would most
14 likely -- how they would most likely respond to
15 that.

16 Q. Is that also paper and pencil or is
17 that video or some other form?

18 A. That's paper and pencil as well.

19 Q. And are you aware of any validation
20 studies done for the second test, the
21 situational test?

22 A. No. Again, that's something -- like
23 I said, they would have to explain how they
24 validate that test.

25 Q. Did that come up in any of your

1 R. NOLAN

2 that's a good clarification.

3 BY MR. MEHRI:

4 Q. So you mentioned that a validation
5 study regarding lowering the test score and you
6 meant the national criminal test. Was there
7 any data collected by the Merit Board, anybody
8 at the Merit Board, regarding the validation
9 study for that?

10 A. No, we asked them to -- we told
11 IO Solutions that we wanted to increase the
12 applicant pool. They in turn gave us options
13 to go about doing that. So they were the
14 responsible party for looking at the data. We
15 wouldn't look at our own data because they have
16 the data. They have the data of the applicant
17 pool.

18 Q. Where do they get that data from?

19 A. From the testing. From the people
20 that take the test.

21 Q. Did they also have the demographic
22 data including the race of the applicants?

23 A. Yes.

24 Q. How do they get that?

25 A. They collect that. IO Solutions

1 R. NOLAN

2 collects when they -- they collect that on
3 their -- on the -- when they -- on the testing
4 booklet or the testing Scantron.

5 Q. What do you mean by the testing
6 Scantron?

7 A. Well, you fill out the testing
8 Scantron and it asks for the applicant name and
9 other identifiers. I can't say specifically
10 what identifiers because I didn't look at the
11 Scantron, but they -- they collect that
12 information.

13 Q. And just so the record is clear,
14 what do you mean by Scantron?

15 A. A form that is filled out with --
16 when given -- when the applicant is given the
17 test booklet, they're given a Scantron.

18 Q. And is that something they enter
19 electronically or they write it on a piece of
20 paper? Where is that collected?

21 A. On top of the Scantron.

22 Q. Okay.

23 A. I mean, at the top where you fill it
24 out indicating your name and your information.

25 Q. And that includes demographic data,